

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VERMONT MUTUAL INSURANCE COMPANY, as subrogee of TIMOTHY D. STEIN and WAYNE ROLF)	CIVIL ACTION
)	NO. 05-10307 JLT
Plaintiff,)	
v.)	
DAVID'S FLOOR SERVICE, INC., and MIN DANG, d/b/a DAVID'S FLOOR SERVICE,)	JURY TRIAL DEMANDED
Defendants/Third Party Plaintiffs,)	
and)	
MUOI BUI, a/k/a MUOI PHAM, as Administratrix of the Estate of Toan Bui, d/b/a BLESS HARDWOODS)	
Defendant/Third Party Defendant.)	

JOINT PROPOSED AMENDED SCHEDULING REPORT

This matter was originally filed on February 11, 2005. At the initial conference, on May 12, 2005, the Court allowed discovery to be completed through September 30, 2005. A trial date was set for February 13, 2006.

During the course of discovery, the parties learned that Toan Bui may have been acting as a subcontractor, while performing the floor sanding and refinishing work that caused the fire at issue. As such, the parties sought leave to amend their complaint, which was allowed.

Prior to the amendment of the complaint, discovery was substantially completed, including the depositions of Plaintiff's insureds, Timothy Stein and Wayne Rolf; Defendant's principals, David and Min Dang; as well as the investigating state fire marshal. Plaintiff has already produced its expert reports. At this juncture, due to an issue concerning the restriction of questioning, Plaintiff wishes to briefly re-depose the Dangs, which has been agreed to by all

counsel. The newly added Defendant/Third-Party Defendant, Toan Bui, wishes to depose two other workers involved in performing the work at issue, which has also been agreed to by all counsel.

Given the above, the parties respectfully request ninety days to complete discovery, including the production of any defense expert reports, and any expert depositions, and a prompt trial listing thereafter.

Plaintiff Vermont Mutual Insurance Company
a/s/o Timothy D. Stein and Wayne Rolf,
By Its Attorneys,

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Defendant David's Floor Service, Inc. and
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By Its Attorneys,

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